

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY LYNCH	:	CIVIL ACTION
	:	
v.	:	
	:	
CHARLES RAMSEY, ET AL.	:	NO. 10-3436

**ORDER**

**AND NOW**, this 4th day of November, 2010, upon consideration of Defendants' "Partial Motion to Dismiss and Motion for a More Definite Statement" (Docket No. 3), and Plaintiff's response thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that Defendants' Partial Motion to Dismiss and Motion for a More Definite Statement is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Dismiss Plaintiff's self-preservation claim is **GRANTED** and this claim is **DISMISSED WITHOUT PREJUDICE**.
2. Defendants' Motion to Dismiss Plaintiff's due process claim arising from the seizure of his firearms is **GRANTED** and this claim is **DISMISSED WITHOUT PREJUDICE**.
3. Defendants' Motion to Dismiss Plaintiff's due process claims arising from his 2008 suspension and termination and 2010 suspension is **DENIED**.
4. Defendants' Motion to Dismiss Plaintiff's claims against John Gallagher, Joseph O'Donnell, and Robert Snyder is **GRANTED**, these claims are **DISMISSED** in their entirety and Gallagher, O'Donnell, and Snyder are **DISMISSED** as Defendants in this action.
4. Defendants' Motion for a More Definite Statement is **GRANTED**.

4. Plaintiff may file **ONE** amended complaint, which must be filed within thirty (30) days of the date of this Order. The amended complaint may assert a “self-preservation” claim pursuant to the Second Amendment, as well as a direct Second Amendment claim and a Second Amendment retaliation claim. The amended complaint also may assert procedural due process claims arising from the seizure of Plaintiff’s firearms and from Plaintiff’s 2008 suspension and termination and 2010 suspension. The amended complaint also may assert the First, Fourth and Fourteenth Amendment claims, as well as the Monell claim, which Defendants have not moved to dismiss. The amended complaint may not add any additional claims or assert claims against any other defendant. The amended complaint should describe, as clearly and briefly as possible, the specific events or conditions which violated Plaintiff’s constitutional rights. The amended complaint also must include the following:

- A. The specific date, including the month and approximate day, on which Chester O’Neill allegedly participated in a search of Plaintiff’s home and the seizure of Plaintiff’s firearms;
- B. The specific date, including the month and approximate day, on which Joseph Gossner allegedly took Plaintiff for a medical and psychological evaluation by City doctors;
- C. The specific date, including the month and approximate day, on which Plaintiff’s blood and hair were collected for mandatory drug testing; and
- D. The specific date, including the month and approximate day, on

which 18th District supervisors ordered Plaintiff to leave work,  
falsely claiming that he had been fired.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.